

Solid Waste Interest Group

October 13, 2004
Meeting Summary

The large public interest group divided into 5 working groups based on the 9/29 meeting. They are again:

Beneficial Reuse/ Soil Reuse with RECAP interfacing
Permit Streamlining/operations (renewals, NOD delays and excess, etc.)
Processing issues (E & P waste, waste analyses, Type III facility issues)
Geology/Groundwater issues (interfacing with RECAP, more prescriptive assessments and monitoring)
~~Minor Issues~~ State and Legislative Issues (definitions, housekeeping, indexing, transfer/pickup stations, etc.)

The group meeting summaries are below:

Processing group

Participants: Richard Metcalf, Paul Bouchereau, Barbara Dodd and Sharon Parker

The first topic discussed was Oil and Gas exploration waste. Initial issues were:

Other states take this waste currently into their Solid Waste facilities. LA is different because the Solid Waste current standards were not in place when this waste became an issue. DNR has jurisdiction over permitting the facilities for disposal. Upon the new SW standards of 1993, the upgraded solid waste facilities are by far more protective of the environment and public health. This waste is actually coming into SW facilities, Type I, through other types of drilling not related to O & G exploration. However, some people question taking this waste into the SW jurisdiction.

Therefore, the waste stream was discussed in terms of what might be acceptable. It was questioned as to why DNR hasn't permitted other commercial facilities in areas that need disposal site. E&P waste is currently being disposed of in unlined landfarms. Richard Metcalf pointed out that the last commercial entity to request such a permit was denied because of the community outcry. Bringing the waste stream into the SW facilities currently operating will not require new permitting. This thought then stirred the question of "If the waste stream was taken what part is being considered; Will permits need to be opened? Most of the Type I permits already, by regulation, are required to have a Waste Acceptance Quality Assurance/Quality Control (QA/QC) plan in place to accept industrial, UST, and incinerator ash waste. Will this be considered a major or minor modification; Many of the current Type I facilities are currently accepting the same type or very similar waste generated by other industries. By regulation, Type I facilities would not even need to modify their permit for reasons stated above (i.e., QA/QC plan). What waste acceptance standards will be established; How many type I facilities do we currently have permitted and

are they upgraded to the new standards; There appear to be 14 permitted Type I facilities; however, there are a couple that do not accept certain Type I waste; and where are they located; what, if any, would be the fiscal impact on the department?

Possible waste stream acceptance criteria

1. Only water-based drilling mud or include all E&P Waste with certain conditions; might be confusing to limit based on the type of E&P Waste.
2. Only Type I facilities can accept;
3. Waste testing specific for pollutants (i.e. TCLP, metals and benzene) by LELAP certified laboratories
4. Require a public hearing or by regulation, allow those facilities permitted to accept Type I/industrial waste to accept E&P Waste. Again, same/similar types of waste are already being disposed of in Type I facilities, just not from actual exploration sites.
5. Major, minor, or no permit modification necessary?
6. Record keeping and reporting to reflect how much O & G waste was accepted and from where on annual report; and
7. Prohibit, restrict, or pre treat waste with high sulfur content.

More Comments and suggestions are needed for this.

The next topic of discussion was Waste Testing. §711.D.3.d is poorly worded. More specificity is needed when describing what test should be run for waste streams. Sections i. & ii. Should be worded more specifically like iii. Paul Bouchereau stated the department stated in correspondence that creosote timbers if being discarded should be tested. This is not stated in the regulations. This testing is not being done consistently across the state. Examples of waste streams with specific testing as a reference might be a thought. The individual constituents of the priority pollutants (section i.) should be listed somewhere in the section or as an appendix. Make generator and facility waste testing be consistent. Emphasize the requirement of using accredited laboratories in section.

Type III Facilities were discussed briefly. It was decided that more information was needed concerning these facilities and their specific issues. A few concerns were identified such as a valid process definition, stricter waste acceptance and sighting criteria

Fast tracking type III permits was discussed with the ideas being to require more stringent standards and higher fees to obtain a quicker permit.

Issues that the group would like to hand off to other groups are below:

1. Repeal exemption of automotive fluff as an exempt solid waste;
2. Repeal statute regarding (discarding) of Sulfur in solid form;
3. Improve the industrial solid waste definition; and
4. Encouraging of recycling (beneficial use).

Items 1-3 were given to Henry Graham with the state and legislative issues committee for consideration.

The issue with No. 2 above is regarding R.S. 30:2014.A(3). The statute prohibits the Department from permitting “any facility to be used in receiving sulfur in the solid state in bulk quantities and from which sulfur particulate matter will be emitted.” This statute was enacted in 1982, many years prior to Subtitle D and with a focus other than waste disposal. The statute leaves generators of sulfur very limited and costly disposal options that are unnecessary. This section of the statute (2014.A.3) should be repealed.

The participants were encouraged by the discussion and look forward to future meetings. Requests were made to have the project leader or someone construct and project timeline with deliverables to encourage continued participation. The meeting was adjourned at 3:30 p.m.

Submitted by Sharon Parker, ES DCL A

October 13, 2004

Solid Waste Interest Group (Permits) Minutes:

From last meeting – Everyone was divided into three groups. Each group came up with Solid Waste Regulation rewrite concerns. All three groups agreed that they wanted to use option 2B (the last rewrite efforts).

Those in attendance: Troy Barber, Jorge Ferrer, Amanda Olsen, Mike Friesen for Joe Viceli, Kenny Qualls, Jason Meyers, Cathy Wells, and Mary Lindsey.

Issue #1: Simplify permit approval/renewal process.

We need to define the problem and come up with a solution.

Idea 1 – Instead of submitting the entire document, submit only the sections that have changes and when approved, incorporate the changes into the whole document for submittal. The initial submittal would be similar to a major modification request. This final document is what would go to the public for review.

By doing this, it would save a lot of time and money by eliminating work on the facilities and the review process on DEQ's end.

Idea 2 – What if you have no changes to your permit? You could propose the existing permit again. Initially all you would have to submit is a letter with the submittal date, stating that no changes were made to the permit, along with updated IT questions.

At this point, Jason Meyers said – The problem with this is that all of the permit may not be read to make sure that it agrees when there are only minor changes. This doesn't happen often, though, and is workable.

Idea 3 – What if there are changes to the permit? How will people know where these changes occur?

- Maybe a checklist that states the changes could be used; or
- Strikeout/underline and bold could be used.

Currently, DEQ only has clean copies for the public to review.

- Maybe a global letter that is generic to the permit could be used. Put the letter in laymen's terms so the average person (every-day-Joe) understands what is going on if they don't have a technical background.

Jason said that – He agrees but you cannot totally take out the technical information. Some of it has to be in there.

Idea 4 –

- Keep the documentation of changes with the permit throughout the whole process.
- Make these summary of changes more accessible to the public.
- Keep “back-and-forth” correspondence with the permit.
- Keep a running log of all NODs with the permit.

Idea 5 – Could the summary and permit be made available on the web?

Jason said currently the documents are not viewable on the web. Once accepted for public review, copies of the application are available for viewing at DEQ headquarters, the local parish governing authority, the parish public library, and appropriate regional office.

Idea 6 – Do one citation per page. This would make it easier to find the things that you are looking for.

Idea 7 (also applies to Issue 2) – When you file a renewal, is there any investigation of a back history? Is this a part of the renewal application? The public should have access to the facility’s compliance history.

Jason said – this is done during the review process. The facility’s compliance history is taken into account before a permit decision is made.

Conclusion of Issue # 1:

- A summary of the proposed changes is to be included with the final application. The permittee will be responsible for the summary.
- The copy of the application that is distributed for public review will include the proposed changes in strikeout/underline and bold.
- Once the permit is approved, the facility will submit a clean copy (no strikeout/underline) because the strikeout/underline version is too difficult to go back and modify at a later date.

Issue #2: Evaluate facilities previous performance.

Previous performance is generated at the end of the permit process.

- problem: The records for previous performance are scattered. If you are doing a renewal for public review, compliance reviews should be made available. Make the history a part of the renewal.
- thought is: Making this information available for public review along with the renewal will help the facility by showing the improvements that the facility has made.

Issue #3: Clarification of permit to the public.

This issue was already covered in Issue #1, Idea 3.

Issue #4: Consider separating siting criteria from permit.

Idea 1- How feasible is this? Where would you draw the line?

If the agency says no more landfills in an area, the facility could look for another location, visa-versa.

Idea 2 - How do you demonstrate IT without an application?

Use a cost benefit/site analysis.

The concern here is that you then allow the department to make a denial before you have your demonstration.

Idea 3 - Maybe the department could get rid of the IT questions altogether. They do not benefit anyone.

Jason said – The IT questions are in the statutes subject to the legislature and were judicially mandated.

Idea 4 – Once your facility has been permitted, you shouldn't have to do IT questions every time you do a major mod. to a permit. A lot of times, IT questions are not applicable to the permit modification.

Jason said – I will check with our permits people and see if the Revised Statutes say that you have to have IT questions on major mods and applications.

Issue #5: Simplify permitting for new regulations.

problem – When are facilities going to have to comply to the new regulations?

Overall consensus – Maybe just do it on the next permit renewal. Provided there are no substantial changes to the regulations, the facility would have to come into compliance with the next permit renewal.

Issue #6: Simplify permitting renewals.

This was addressed in Issue #1.

Issue #7: Processing times/deadlines for DEQ and permittee; adhere to 410 day statute.

Overall consensus - This is a legislative issue.

Issue #8: Limits on NODs, better permit process management.

question – Can a permit be tracked through the process? How about a limit on NODs?

answer – The regulations do not specify a limit on NODs. The first question should take care of this.

overall consensus – The group does not think that there should be a limit on NODs.

Issue #9: Longer times for permit life (not under authority of DEQ; legislative act).

This is a legislative issue.

Issue #10: Exempt Woodwaste.

Idea 1 - Maybe this could be called yard/green waste.

Idea 2 – Exempt facilities that deal with woodwaste as long as that facility has a BMP (obtain from the Department of Agriculture).

Conclusion: Exempt facilities that deal with yard/greenwaste as long as that facility has an approved BMP.

Issue #11: Fast Track C & D permitting.

Idea 1 – Maybe change the name to “Streamlining C & D permitting”.

Idea 2 – Jason will ask about tighter restrictions to contain leachate.

Idea 3 – The concern with C & D permitting is that since the requirements aren’t as strict, why can’t the department speed up the process?

Overall consensus: Since the requirements for C&D landfills are not as strict as they are for Type I and II, then the review process should inherently be quicker.

Issue # 12: Address separation facilities.

Processing group should handle this one.

Geology and Groundwater Issues

Attendees: Estuardo Silva, Brenda Kearns, Erinn Neyrey, Jarod Davis, Marsha Wade

A. Incorporate some language about RECAP in the Detection Monitoring Section of the regs. especially about the following:

1. Maximum concentrations detected while in detection monitoring should be compared to RECAP MO-1/GW-1.
2. Detected groundwater concentrations should be compared to drinking water standards when available otherwise compared them to RECAP SS.
3. When determining “background”, if concentrations are found to be higher than drinking water standards or RECAP SS, then background concentrations should be used.

B. Limits on NOD’s better permit process management:

It was discussed that the rounds of NOD’s should be limited to three. Unless the facility is required to conduct additional work by the Department and this additional work generates additional NOD responses. After three rounds of NOD’s the representatives from the facility should be called in for a meeting and given a one-time dateline to complete the pending work and if not completed issue an Order to Close.

C. Simplify Permitting Renewals:

It was suggested to divide the permit application into generic and specific areas. Generic would be the areas that everybody has to comply with (record keeping, training, daily cover etc.). Specific would be only the areas applicable to a particular site (analyses, groundwater monitoring parameters, sampling and analysis plan, etc.)

Then once the application is approved, the specific area of the application becomes the permit.

Legislative and State Issues Group.
Meeting #1, 10/13/04

Tyler Mccloud; N.J. Damico; Gary Bonvillian; Emily Stich; Henry Graham; Rob Thomas

After confirming that the 2B format would be used, we approached a list of issues Rob Thomas had identified and discussed possible options.

The idea of a life-time permit, rather than a 10-year, was supported by most of the group. Rob Thomas, department liaison, suggested it be presented to the large group and evaluated more thoroughly prior to offering it as a unanimously supported option.

The possible options to Rob's points are presented below:

- 1 Currently, there is no reference from 521.F (Facility Plans and Specifications), to the Chapter 7 standard requirements for processing facilities. So the language was added to provide the "link".
- 2 Currently, there is no language stating that processing facilities are required to have the appropriate levels of certified operators. Language was added to clarify this requirement.
- 3 There is no language in the SW Regs, that requires Major Modifications to provide an Environmental Assessment Statement (EAS) / "IT Questions". The requirement is only found in the Statute La: R.S. 30:2018. Language was added to show this requirement.
- 4 Currently, Air-Curtain Destructors (ACD) are considered Type III minor processing facilities. Type III minor processing facilities only require a 50 foot buffer zone. We have added language to require ACD to have a 200 foot buffer zone.
- 5 We have added language to specify that major modifications require public notice. Currently, there is no specific language that states this requirement.
- 6 Currently, 521.A,1,e (i), requires facilities to provide documentation from the appropriate state, and federal agencies substantiating the historic sites, recreation areas, etc..., within 1000 feet of the facility. We discussed whether we should require documentation from local agencies as well. We decided against requiring documentation from local agencies.
- 7 We discussed the possibility of allowing the permits to last more than 10 years. We did not reach a consensus.

- 8 We discussed adding text that states the maximum elevation for a facility. Currently, the final elevations can only be found on the final contours map. We discussed adding to 521.F.3.c, "Provide maximum elevations not to be exceeded throughout the life of the facility." Then we thought to make it read "... throughout the life of the permit." Finally, we decided just to state, "Provide the maximum elevation."
- 9 Along the same lines as #8 above, we added language to 521.J.3.b, to say "indicate final elevations" where it currently requires only to "provide a drawing showing final contours of the facility".
- 10 We discussed the addition of language in 513.E, stating basically that all Notice of Deficiencies shall be addressed accordingly and/or show a significant progress in addressing all outstanding deficiencies, or the application may be denied. Only the DEQ representative was for adding this language. It was stated that the DEQ already has the authority to deny a permit in these incidences, without the addition of this language.

Beneficial Use Group Meeting
10/13/04

The Beneficial Use Group met to discuss beneficial use options in the Solid Waste Regulations. We had discussions on what were the options and what were the problems with the existing regulations. The consensus of the group was that the regulations should be more user friendly in order to promote use of wastestreams rather than disposal.

The group identified the portions of the regulations that addressed reuse of wastestream. They are located in Chapter 3 and Chapter 11. Chapter 3 contains exemptions for agricultural waste and woodwaste when handled under a BMP approved by the Department of Agriculture and Forestry. These have worked well through the years. A few areas of the BMP process are being discussed between LDEQ and the Department of Agriculture which will result in a Memorandum of Understanding between the Departments. It was suggested that we should discuss and expand the list of examples of agricultural waste located in section 3015 (Appendix H).

Chapter 11 is the Beneficial Use chapter of the Solid Waste Regulations. This chapter appears to be primarily dedicated to the beneficial use of sewer sludge and may be too comprehensive when looking at other waste that could be beneficially used. It was suggested that these standards remain in place for sewer sludge, but that we develop another process for evaluation a broader range of reusable wastestreams.

Another area of discussion was that of reuse of contaminated soils. We had discussions on marrying reuse with RECAP and developing a streamlined process for reuse of the soils. A proposal regarding reuse of contaminated soils was submitted to the group by Henry Graham which is being evaluated by the DEQ Remediation Group.

The Beneficial Use Group had an open and productive brainstorming session. The Group is to review Chapter 3 and 11 for next session. We will discuss what sections in the existing regulation that could be part of a new beneficial use process to address wastestreams other than sewer sludge.

It was suggested that the next meeting should be a group session to inform the main group of the progress of the subgroups and then reconvene the subgroups to continue work on the specific areas.